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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,873	08/21/2001	Akihiko Sugukawa	213133US2SRD	6798

22850 7590 07/01/2005

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EXAMINER

ANWAH, OLISA

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,873

Applicant(s)

SUGUKAWA ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 11-13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 8, 9 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Beach et al, European Patent Application No. 0,856,812 (hereinafter Beach).

Regarding claim 1, Beach discloses an information exchange method of exchanging information between a communication terminal (12) having a short distance wireless communication device and a host (14) having another short distance wireless communication device and an information acquisition device, the method comprising:

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acquiring identification information identifying the communication terminal by the information acquisition device (column 10);

controlling the short distance wireless communication device of the host to transmit a page message that contains the identification information and causes the communication terminal to operate in a hopping pattern determined by the host being a master device, and transmit a request, following the page message, for establishing a short distance wireless communication link (column 6);

generating a connection between the host and the communication terminal over the short distance wireless communication link established in response to the request (column 8); and

initiating an information exchange using the connection (column 11).

Regarding claim 8, see column 9.

Regarding claim 9, see column 9.

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Regarding claim 15, Beach discloses a cash register apparatus (see Figure 4) configured to exchange information with a communication terminal (100) and provide predetermined services (see abstract) to users who carry the communication terminal, the apparatus comprising:

- a register mechanism (170);

- a bar code reader configured to read a bar code of a product (see Figure 5);

- a register controller configured to control the register mechanism to perform a register processing in respect to the bar code of the product (column 11);

- a short distance wireless communication device (14);

- an identification information acquisition device configured to acquire identification information identifying the communication terminal (column 10);

- a communication controller to control the short distance wireless communication device to transmit a page message that contains the identification information and causes the communication terminal to operate in a hopping pattern determined by the short distance wireless communication device being a master device, and transmit a request, following the page message, for establishing a short distance wireless communication link (column 6);

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an information exchange device configured to generate a connection between the short distance wireless communication device and the communication terminal over the short distance wireless communication link established in response to the request, and to initiate an information exchange using the connection (column 10), and

said register controller utilizing the exchanged information in said register processing and configured to provide said services (column 12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3 and 16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Beach in view of McGregor et al, U.S. Patent Application Publication No. 2003/0100290 (hereinafter McGregor).

Regarding claim 2, Beach does not teach said acquiring includes reading a bar code on said communication terminal,

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the bar code indicating said identification information. All the same, McGregor discloses this limitation (see Figure 9 and paragraph 0097). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beach with the bar code disclosed by McGregor. This modification would have improved security by providing a method of tracking wireless communication devices as suggested by McGregor.

Regarding claim 3, see paragraph 0097 and Figure 9 of McGregor.

Claim 16 is rejected for the same reasons as claim 2.

5. Claim 4 is rejected under 35 U.S.C § 103(a) as being unpatentable over Beach combined with McGregor in further view of Chatani, U.S. Patent No. 6,792,292 (hereinafter Chatani).

Regarding claim 4, the combination of Beach and McGregor does not teach the bar code is electrically displayed on the communication terminal. Nonetheless Chatani discloses this limitation (see Figure 18). Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Beach and McGregor with the electrically

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displayed bar code of Chatani. This modification would have increased convenience by allowing users to purchase articles at discounted prices as suggested by Chatani.

6. Claims 5, 6, 17 and 18 are rejected under 35 U.S.C § 103(a) as being unpatentable over Beach in view of Heinonen et al, U.S. Patent No. 6,078,806 (hereinafter Heinonen).

On the issue of claim 5, Beach fails to disclose the claimed acquiring procedure. But Heinonen discloses this feature (see column 10). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beach with the IrDA mechanism of Heinonen. This modification would have improved the system's versatility by using other known methods of data transfer as suggested by Heinonen (column 10).

On the issue of claim 6, Beach fails to disclose the claimed acquiring procedure. But Heinonen discloses this feature (see column 10). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beach with the wireless-tag of Heinonen. This modification would have improved the

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system's versatility by using other known methods of data transfer as suggested by Heinonen (column 10).

Claim 17 is rejected for the same reasons as claim 6.

Claim 18 is rejected for the same reasons as claim 5.

7. Claims 7 and 19 are rejected under 35 U.S.C § 103(a) as being unpatentable over Beach in view of Chatani.

Regarding claim 7, Beach does not teach the claimed acquiring procedure. Nonetheless, Chatani discloses this limitation (see column 16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beach with the acquiring limitations taught by Chatani. This modification would have improved the convenience of Beach by allowing users to purchase articles at discounted prices as suggested by Chatani.

Claim 19 is rejected for the same reasons as claim 7.

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8. Claim 10 is rejected under 35 U.S.C § 103(a) as being unpatentable over Beach in view of Fillebrown et al, U.S. Patent Application Publication No. 2004/0204041 (hereinafter Fillebrown).

Regarding claim 10, Beach does not teach said short distance wireless communication includes a Bluetooth. However Fillebrown discloses this limitation (see paragraph 0048). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beach with the Bluetooth system of Fillebrown. This modification would have improved the versatility of Beach by employing other known communication standards as suggested by Fillebrown.

Allowable Subject Matter

9. Claim 14 is allowed because the prior art of record fails to disclose the claimed imaging device.

Response to Amendment

10. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

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Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah
Patent Examiner
June 24, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600